

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:11CR248 MAC/DDB
	§	
BRITTANY MICHELLE CLAYTON (28)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 15, 2016 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Jay Combs.

On March 8, 2013, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 30 months imprisonment followed by a 3-year term of supervised release for the offense of Conspiracy to Possess with Intent to Distribute Heroin. Defendant began his term of supervision on May 18, 2015. This case was transferred to the Honorable Marcia A. Crone on October 7, 2015.

On March 3, 2016, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 1305). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled substance; (2) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (3) Defendant shall answer

truthfully all inquiries by the probation officer and follow the instructions of the probation officer; and (4) Defendant shall participate in a program of testing and treatment for alcohol and drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following violations: (1) On September 10, 2015, Defendant submitted a urine specimen that tested positive for morphine. On December 2, 2015, January 15, 2016, and January 20, 2016, Defendant submitted urine specimens that tested positive for methamphetamine. All of the aforementioned urine specimens were confirmed positive by Alere Toxicology Services; (2) On January 15, 2016, Defendant was instructed to report by January 19, 2016, to either Nexus or Homeward Bound, both inpatient treatment facilities, for inpatient substance abuse treatment. Defendant failed to report to Nexus or Homeward Bound as instructed; and (3) On August 15, 2015, Defendant's conditions of supervised release were modified to include an increase in her drug testing and treatment. As such, on September 18, 2015, Defendant enrolled in an 8-week supportive outpatient program (SOP), with Addiction Treatment Resources (ATR). Defendant was unsuccessfully discharged from ATR for noncompliance with the treatment program on February 11, 2016.

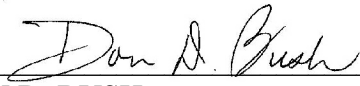
At the hearing, Defendant entered a plea of true to allegations and two. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the March 15, 2016 hearing, the Court recommends that Defendant be committed to the

custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months, with no supervised release to follow. The Court further recommends that Defendant's term of imprisonment be carried out in FCI Carswell, if appropriate.

SIGNED this 21st day of March, 2016.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE